

U. S. EXHIBIT F

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

IN RE)	CIVIL NO. 04-00661 REJ-BMK
HAWAII FEDERAL ASBESTOS CASES)	
)	DECLARATION OF COLONEL MICHAEL B.
This Document Applies To:)	COMPTON, HIANG
)	
MERCY S. BYINGTON, individually and as)	
Personal Representative of the Estate)	
of JIMMY F. BYINGTON, deceased,)	
EVELINE SHORT, and)	
BEVERLY ANN HAUOLI ANI, as Prochein)	
Ami for MARGARET BARBARA)	
HA'EIHA'E ANI, a minor,)	
)	
)	
Plaintiffs,)	
vs.)	
)	
UNITED STATES OF AMERICA,)	
)	
Defendant.)	
)	
)	
)	

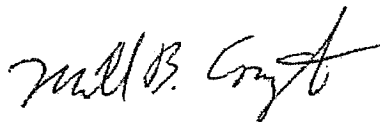
DECLARATION OF COLONEL MICHAEL B. COMPTON, HAWAII AIR NATIONAL GUARD

1. I, Colonel Michael B. Compton, Hawaii Air National Guard (HIANG), declare as follows:
2. I reside at 860 Wana'ao Road, Kailua, Hawaii.
3. I am the Director of Operations for the Hawaii Air National Guard, and have served in that position since October, 2005. I graduated from Virginia Tech University in 1983, with a B.S. in Electrical Engineering. While at Virginia Tech, I was a member of the Reserve Officer Training Corps (ROTC) program. I was commissioned in the United States Air Force that same year, and served on active duty until 1992. While on active duty, I earned a M.S. in Electrical Engineering from the University of South Carolina. Following release from active duty, I joined the Hawaii Air National Guard.

U. S. EXHIBIT F

4. In 1992, I was serving in the HIANG as the HIANG Environmental Coordinator. I was assigned to Hickam ANG base. In January 1992, I participated in the asbestos survey of buildings at Hickam ANG base, the results of which were reported in the Asbestos Management Program report prepared by the Air National Guard Civil Engineering Technical Services Center, at Minot, North Dakota. As that report reflects, I was appointed by the Base Environmental Coordinator as the Asbestos Program Officer, responsible for maintaining the asbestos management plan at Hickam ANG base and handling asbestos related issues. In addition to my formal education, I attended specialized training in asbestos management, including asbestos remediation.
5. The HIANG Asbestos Management Program was the first formal program designed to address asbestos. Prior to 1992, there was no requirement to have such a program, although the HIANG actively monitored and tested its facilities for asbestos. As stated in the HIANG Asbestos Management Plan, the HIANG was responsible for state worker health and safety while working in the HIANG facilities. In addition, the HIANG provided notice to state workers about the presence of asbestos in the HIANG facilities and provided them training on asbestos safety.
6. I have reviewed the federal complaint in this case and have verified that the buildings Mr. Jimmy Byington alleges that he worked in were HIANG facilities, and were covered by the HIANG Asbestos Management Program.
7. As part of the HIANG Asbestos Management Program, the HIANG monitored the air within the buildings to ensure that any asbestos detected did not exceed federal or state contaminant levels. Of all of the samples taken, I am not aware of any that ever exceeded, or even came close to exceeding, federal or state maximum contaminant levels.
8. Of the buildings identified in the Byington complaint, the hangar building, B-3400, was one that contained asbestos on the ceiling girders, which had been sprayed on as a fire retardant. To the best of my knowledge, this fire retardant was placed on the girders in the 1960s, and was never friable during the time that Mr. Byington worked in the hangar.
9. On at least two occasions, the HIANG sent requests to the National Guard Bureau in Washington, D.C., seeking funding for a major asbestos remediation project for B-3400. Funding was not provided based on the fact that repeated asbestos testing in the HIANG did not disclose any level of asbestos in excess of state or federal maximum levels or action levels.
10. In accordance with 28 U.S.C. §1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on September 19, 2006.



Michael B. Compton, Col, HIANG